



California Natural Resources Agency  
DEPARTMENT OF FISH AND GAME

# COMMERCIAL SALMON VESSEL PERMIT TRANSFER APPLICATION/REQUEST FOR GUIDANCE

CHECK ONE: ☐ NONREFUNDABLE TRANSFER FEE: \$200.00

☐ REQUEST FOR GUIDANCE: NO FEE

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

FIRST NAME	M.I.	LAST NAME
MAILING ADDRESS		
CITY	STATE	ZIP CODE
DAY TELEPHONE	MOBILE TELEPHONE	E-MAIL ADDRESS

**PLEASE COMPLETE THE FOLLOWING:**

PERMITTED VESSEL WAS ACCIDENTALLY LOST, STOLEN OR DESTROYED ☐ YES DATE OF INCIDENT \_\_\_\_\_ ☐ NO  
I HAVE OWNED AT LEAST 50 PERCENT OF THE PERMITTED VESSEL FOR AT LEAST 18 MONTHS ☐ YES ☐ NO  
SAME TRANSFER HAS NOT BEEN REQUESTED OR DENIED WITHIN THE PREVIOUS 12 MONTHS ☐ YES ☐ NO

**FISHING VESSEL INFORMATION - Complete the following for the permitted vessel and replacement vessel.**

	PERMITTED VESSEL	REPLACEMENT VESSEL
CURRENT OWNER(S)	_____	_____
OWNER OR AGENT'S COMMERCIAL FISHING LICENSE NUMBER	_____	_____
VESSEL NAME	_____	_____
FISH AND GAME BOAT REGISTRATION NUMBER	_____	_____
STATE DMV OR USCG DOCUMENTATION NUMBER	_____	_____
LENGTH	_____	_____
BEAM	_____	_____
DRAFT / DEPTH	_____	_____
GROSS TONS / NET TONS	_____	_____
FISHING CAPACITY (POUNDS OF SALMON)	_____	_____
HULL NUMBER	_____	_____
HULL MATERIAL	_____	_____
VESSEL MANUFACTURER	_____	_____
YEAR BUILT	_____	_____
PROPULSION INFORMATION:		
ENGINE MANUFACTURER / MODEL NO.	_____	_____
HORSEPOWER / NO OF CYLINDERS	_____	_____
THRU DRIVE, I/B, O/B, SINGLE/DOUBLE PROP	_____	_____
FUEL TYPE	_____	_____
CAPACITY (GALLONS)	_____	_____
PRESENT PRIMARY AND SECONDARY FISHERY (If any)	_____	_____

I agree to renew the permit before the expiration date, if the transfer request takes place during the annual permit renewal period. I certify that I have read, understand, and agree to abide by all conditions of the applicable provisions of the FGC, and the regulations promulgated thereto. I agree that if I make any false statement as to any fact required as a prerequisite to the review, approval of this transfer request, the transfer will be surrendered, and I understand that I may be subject to prosecution pursuant to FGC Section 1054 or to other administrative actions pursuant to Section 746, Title 14, of the CCR. I certify under penalty of perjury that the included information is true to the best of his or her information and belief. (FGC Section 8239(e))

SIGNATURE OF OWNER OF PERMITTED VESSEL	DATE
<b>X</b>	
SIGNATURE OF OWNER OF PERMITTED VESSEL	DATE
<b>X</b>	

## GENERAL TRANSFER PROVISIONS FOR SALMON VESSEL PERMITS

Commercial Salmon Vessel Permit (SVP) transfers are allowed only under the provisions of California Fish and Game Code (FGC) Section 8239.

The fee for each transfer is \$200 and is nonrefundable. The transfer fee must be submitted with the transfer application. Payment can be made by check, money order or credit card (Visa or Mastercard). Please make checks payable to the Department of Fish and Game (Department). (FGC Section 8239(a))

SVPs must be valid with the Department before a transfer application will be processed.

The permittee cannot sell the vessel and retain the SVP. The permittee must own the vessel until the transfer has been completed. If the vessel owner sells the permitted vessel before the transfer review and approval process is completed, the permit goes to the new owner of the vessel.

### Ownership of Permitted Vessel (FGC Section 8239(h))

The permittee has maintained a 50 percent or greater ownership interest in the permitted vessel for not less than 18 months prior to the date of the transfer. Exceptions to 18 month ownership requirement are vessels that are accidentally lost, stolen, or destroyed. (FGC Section 8239.1(a))

### Ownership of Replacement Vessel (FGC Section 8239(g))

The permittee must have 50 percent or greater ownership interest in the permitted vessel and in the replacement vessel. When the transfer is approved, the owner of the permitted vessel will be required to submit a notarized Bill of Sale to show proof of at least 50 percent or greater interest ownership by the permittee in the replacement vessel.

### Lien/Mortgage Holder Approval (FGC Section 8239(i))

If the permitted vessel has a lien holder or mortgage holder, an original notarized letter of approval to transfer the SVP must be submitted from the lien holder or mortgage holder.

### Determination for Issuance of Replacement Vessel Permit (FGC Section 8241)

The Department shall issue the permit for use on a replacement vessel if it determines the following:

- The replacement vessel has the same fishing potential as, or less fishing potential than, the permitted vessel.
- The replacement vessel's fishing potential will not substantially increase fishing capacity over that which resulted from the operation of the permitted vessel.
- The applicant owns the replacement vessel.

### Fishing Potential (FGC Section 8231(e))

"Fishing potential means the capability and capacity for harvesting salmon of a particular commercial fishing vessel. "Fishing potential" includes, but is not limited to, a rating based upon factors such as size, seaworthiness, propulsion system, hold size, and hull design.

Photographs are used to identify and compare the fishing potential between the permitted and replacement vessels. Photographs of the original bow, stern and profile identifying the vessel name, State DMV or USCG Documentation Number, or Fish and Game Boat Registration number for the permitted and replacement vessel must be submitted with the transfer application.

### Proof of Vessel Ownership (FGC Section 7601)

The Department accepts the following as proof of vessel ownership:

- United States Coast Guard Certificate of Documentation;
- California Department of Motor Vehicle Certificate of Registration; or
- Out of state vessel registration.

If the permitted vessel or the replacement vessel is owned by a business, you must provide documentation of the business entity. Acceptable forms of identification include:

- Articles of Incorporation
- Articles of Organization
- Certificate of Limited Partnership
- Statement of Partnership Authority
- Limited Liability Partnership
- Sole Proprietorship

### **Change of Ownership (FGC Section 8233.5)**

The new owner of a vessel with a valid SVP must immediately notify the Department of his/her new ownership in writing. Salmon vessel permittees must complete a Change of Ownership form FG 1384 (Rev. 01/12) when the vessel is sold. The permittee cannot sell the vessel and retain the SVP. After notifying the Department, the new vessel owner may use the vessel to take and land salmon.

If the transferee is applying for the first time for a commercial fishing license they must provide valid identification as ~~used~~ in Section 700.4, Title 14 of the California Code of Regulations. (See Section 700.4 Automated License Data System).

### **TRANSFER PERMIT TO A REPLACEMENT VESSEL (FGC SECTION 8239)**

#### **Submit copies of the following:**

1. Photographs of the permitted and replacement vessels.
2. Current Commercial Fishing License for the owner of the permitted vessel.
3. Current Commercial Boat Registration for the permitted vessel.
4. Current SVP.
5. Current proof of vessel ownership for the permitted vessel and the replacement vessel.
6. Current Commercial Boat Registration for the replacement vessel.

### **LOST, STOLEN, OR DESTROYED VESSEL TRANSFERS (FGC Section 8239.1)**

The Department shall accept a transfer application within one year after the date that a permitted vessel was lost, stolen, ~~or~~ destroyed. Only the permittee at the time of the loss, theft, or destruction of the vessel may apply for the transfer.

#### **Submit copies of the following:**

1. Current Commercial Boat Registration.
2. Current SVP.
3. Report filed with the United States Coast Guard or any other law enforcement agency or fire department investigating the loss.

The Department may grant an additional six months extension for up to five years following the incident, if necessary to complete the transfer process. Permit fees must be paid annually as required. The permittee must submit the request in writing.

### **REQUEST FOR GUIDANCE (FGC Section 8239.9) NO FEE**

Any person may request the review board to determine the fishing potential of any permitted vessel or any replacement vessel ~~free~~ if a transfer application for a permit for use of a replacement vessel is submitted to the Department.

#### **Submit copies of the following:**

1. Photographs of the permitted and replacement vessels.
2. Current Commercial Boat Registration for the permitted vessel.
3. Current SVP.

### **Appeal Provisions and Deadlines**

If a transfer request is denied, the Department will notify the permittee in writing. The permittee may appeal the denial ~~initially~~ to the Fish and Game Commission within 60 days from the date of the Department's denial. (FGC Section 8246.6)

If you have any questions about the salmon vessel permit transfer process, please call Ruth Flores, at (916) 928-7470 or e-mail [rflores@dfg.ca.gov](mailto:rflores@dfg.ca.gov). Mail the Transfer Application and supporting documentation to Department of Fish and Game, License and Revenue Branch, 1740 N. Market Blvd., Sacramento, CA 95834.

## Title 14, California Code of Regulations Excerpts

### § 700.4. AUTOMATED LICENSE DATA SYSTEM

(a) Defined:

For the purposes of this Division the "Automated License Data System" or "ALDS" is an automated system that replaced the Department's paper license inventory system. ALDS allows license items to be printed instantly using point of sale terminals and is available at Department license agents and Department license sales offices located throughout the state. ALDS also allows applicants to apply for licensing via the Internet.

(b) Get Outdoors Identification Number

The first time any applicant applies for any license, tag, permit, reservation or other entitlement via ALDS, the applicant shall receive a unique Get Outdoors Identification number or "GO ID." The GO ID shall not be transferable to any other person.

(c) Identification Required Acceptable forms of:

Any applicant applying for any license, tag, permit, reservation or other entitlement issued via ALDS shall provide valid identification. Acceptable forms of identification include:

(1) Any license document or GO ID number previously issued via ALDS

(2) A valid driver's license or identification card issued to him or her by the Department of Motor Vehicles or by the entity issuing driver's licenses from the licensee's state of domicile

(3) US Birth Certificate

(4) US Certificate or Report of Birth Abroad

(5) Tribal Identification Card, as defined by each sovereign tribal nation

(6) Birth Certificate or passport issued from a US Territory

(7) US Passport

(8) US Military Identification Cards (Active or reserve duty dependent, retired member, discharged from service, medical/religious personnel)

(9) Certificate of Naturalization or Citizenship.

(10) A foreign government-issued photo identification

(d) Any applicant less than 18 years of age applying for any license, tag, permit, reservation or other entitlement issued via the ALDS shall provide valid identification. Acceptable forms of identification include:

(1) Any form of identification described above

(2) A parent or legal guardian's identification as described above.

(e) Nonrefundable Application Fee All licenses, tags, permits, reservations or other entitlements purchased via ALDS shall be subject to a three percent nonrefundable application fee, not to exceed seven dollars and fifty cents (\$7.50) per item, to pay the Department's costs for issuing that license, tag, permit, reservation or other entitlement.

## Fish and Game Code Excerpts

### §7601. Owner or Vessel Owner

"Owner" or "vessel owner" means the person or persons designated as the registered owner of a vessel on a certificate of documentation issued by the United States Coast Guard or on a copy of the vessel registration issued by the vessel registration agency of the state where the owner is a resident. For purposes of this section, the vessel registration agency in California is the Department of Motor Vehicles.

### §7857. Conditions Applicable to Commercial Fishing License

Unless otherwise specified, the following conditions apply to each commercial fishing license, permit, or other entitlement issued to take, possess aboard a boat, or land fish for commercial purposes and to each commercial boat registration issued by the Department, except licenses issued pursuant to Article 7 (commencing with Section 8030):

(a) The person to whom a commercial fishing permit or other entitlement is issued shall have a valid commercial fishing license issued pursuant to Section 7852 that is not revoked or suspended.

(1) A person who holds a commercial fishing vessel permit or other entitlement authorizing the use of a vessel for commercial fishing shall also hold a valid commercial boat registration for that vessel, issued pursuant to Section 7881, that has not been suspended or revoked.

### 7881. Registration of Commercial Fishing Vessel

(a) Every person who owns or operates a vessel in public waters in connection with fishing operations for profit in this state, or who brings fish into this state, or who, for profit, permits persons to fish therefrom, shall submit an application for commercial boat registration on forms provided by the department and shall be issued a registration number

(b) A commercial boat registration may be issued to any resident owner or operator of a vessel upon payment of a base fee of two hundred fifty dollars (\$250). The commercial boat registration shall be carried aboard the vessel at all times, and shall be posted in a conspicuous place.

(c) A commercial boat registration may be issued to any non-resident owner or operator of a vessel upon payment of a base fee of seven hundred fifty dollars (\$750). The commercial boat registration shall be carried aboard the vessel at all times and shall be posted in a conspicuous place.

(d) If a registered vessel is lost, destroyed, or sold, the owner of the vessel shall immediately report the loss, destruction, or sale to the department.

(e) This section does not apply to any person required to be licensed as a guide pursuant to Section 2536.

(f) The base fees specified in this section are applicable to the 2004 license year, and shall be adjusted annually thereafter pursuant to Section 713.

### 8231. Agent Appeal; Change of Ownership; Commercial Salmon Vessel Permit; Fishing Potential; Owner; Permit; Permitted Vessel; Replacement Vessel; Review Board; Transfer

The following definitions govern the construction of this article:

(a) "Agent" means the person designated in writing by the owner as the owner's representative.

(b) "Appeal" means a request for reconsideration of an action of the review board, the department, or the commission pursuant to this article.

(c) "Change of ownership" means the transfer of ownership of a permitted vessel to a new owner

(d) "Commercial salmon vessel permit" means an annual permit issued by the department to an owner of a commercial fishing vessel for use of that vessel to take salmon for commercial

purposes and shall not be considered personal property

(e) "Fishing potential" means the capability and capacity for harvesting salmon of a particular commercial fishing vessel. "Fishing potential" includes, but is not limited to, a rating based upon factors such as size, seaworthiness, propulsion system, hold size, and hull design.

(f) "Permit" means a commercial salmon vessel permit as defined in subdivision (d).

(g) "Permitted vessel" means a commercial fishing vessel for which a permit is currently valid.

(h) "Replacement vessel" means a commercial fishing vessel for the use of which a permit is proposed to be transferred pursuant to this article.

(i) "Review board" means the commercial salmon fishing review board created pursuant to Section 8247.

(j) "Transfer" means the issuance of a permit for use of a replacement vessel.

#### **§8233.5. Change of Ownership of Vessel – Permit Change**

Except as otherwise provided in this article, the department shall change the designation of the holder of a permit, and with it shall go all rights, privileges, and obligations of a permit holder, including rights of renewal, upon receipt of a notice of change of ownership to a new owner of a permitted vessel upon change of ownership in the permitted vessel. A permit changed pursuant to this section is valid for the permit year during which it is issued.

#### **§8239. Conditions of Approval and Issuance of Replacement Vessel Permit**

A transfer may be approved and a permit issued for use of a replacement vessel pursuant to Section 8241 under all of the following conditions:

(a) The vessel owner submits a written request for the transfer to the department on a form provided by the department and pays a nonrefundable transfer fee of two hundred dollars (\$200).

(b) The permit for the permitted vessel is current, and the owner of the permitted vessel makes assurances in the application that any renewal of the permit which becomes due during the application processing period will be made.

(c) The owner of the permitted vessel submits evidence with the application sufficient to establish that he or she is the owner of the permitted vessel at the time of the application for the transfer.

(d) The vessel owner submits evidence with the application sufficient, in the judgment of the review board and the department, to establish that the replacement vessel has the same fishing potential as, or less fishing potential than, the permitted vessel.

(e) Under penalty of perjury the vessel owner signs the application for transfer and certifies that the included information is true to the best of his or her information and belief.

(f) The same transfer has not been requested within the previous 12 months or the same transfer has not previously been denied and that denial is final, unless the application or supporting information are different than that contained in the previous application, as determined by the department and after consultation with the review board.

(g) The permittee has 50 percent or greater ownership interest in the permitted vessel and in the replacement vessel. For purposes of this subdivision and subdivision (h), "permittee" means an individual designated as the owner of the permitted vessel.

(h) Except as provided in Section 8239.1 or paragraph (5) of subdivision (a) of Section 8246.7, the permittee has maintained a 50 percent or greater ownership interest in the permitted vessel

for not less than 18 months prior to the date of the transfer and the permit for use of the permitted vessel has been maintained for that vessel and has not been previously transferred less than 18 months prior to the date of the transfer

(i) The permittee has written authority from the legal owner, if other than the permittee or mortgagor, if any, to transfer the vessel permit from the permitted vessel.

#### **§8239.1 Lost, Stolen or Destroyed Vessel Transfers**

(a) Unless otherwise prohibited, the department shall accept a transfer application within one year after the date that a permitted vessel was lost, stolen, or destroyed, notwithstanding any inability to physically examine the permitted vessel to determine its salmon fishing potential. Only the permittee at the time of the loss, theft, or destruction of the vessel may apply for the transfer of the vessel permit. Proof that a vessel is lost, stolen, or destroyed shall be in the form of a copy of the report filed with the United States Coast Guard or any other law enforcement agency or fire department investigating the loss.

(b) (1) The owner, or the owner's agent, may request an extension of the time to complete a transfer under subdivision (a) if the application for extension is submitted before the end of the time to submit an application under subdivision (a), or before the end of any previous extensions granted under this subdivision, whichever date is later.

(2) The department, after consultation with the review board and for good cause shown, including, but not limited to, inability to find a replacement vessel or pending litigation, may grant an extension of the time to complete a transfer under subdivision (a) for a period of six months. The department may grant further extensions under this subdivision, not to exceed a total time period of five years after the date the permitted vessel was lost, stolen, or destroyed if the permit fees are paid annually as required in paragraph (2) of subdivision (b) of Section 8239 and subdivision (c) of Section 8240.

#### **§8239.9 Determination of Vessel Potential Prior to Transfer Application**

Notwithstanding Section 8239, 8239.1, or 8239.2, any person may request the review board to determine the fishing potential of any permitted vessel or any replacement vessel before a transfer application for a permit for use of a replacement vessel is submitted to the department. The person making a request under this subdivision is not required to be the owner of either vessel. A determination under this subdivision is not binding on the review board or the department and is only advisory

#### **§8241. Determination for Issuance of Replacement Vessel Permit**

The department shall issue the permit for use of a replacement vessel if it determines, after consultation with the review board, the following:

(a) The replacement vessel has the same fishing potential as, or less fishing potential than, the permitted vessel. The review board and the department shall consider the type of fishery the vessel was previously used in and the vessel's highest and best use by a prudent operator and the review board shall make written findings on those facts.

(b) The replacement vessel's fishing potential will not substantially increase fishing capacity over that which resulted from the operation of the permitted vessel.

(c) The applicant owns the replacement vessel.

(d) The conditions in this article are satisfied.